



General Assembly

February Session, 2008

Raised Bill No. 5900

LCO No. 2867

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Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING WATERSHED LANDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-3i of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) As used in this section "water company" means a water
4 company, as defined in section 25-32a, and "petition" includes a
5 petition or proposal to change the regulations, boundaries or
6 classifications of zoning districts.

7 (b) When an application, petition, request or plan is filed with the
8 zoning commission, planning and zoning commission or zoning board
9 of appeals of any municipality concerning any project on any site that
10 is within the aquifer protection area delineated pursuant to section
11 22a-354c of the 2008 supplement to the general statutes or the
12 watershed of a water company, the applicant or the person making the
13 filing shall provide written notice of the application, petition, request
14 or plan to the water company and the Commissioner of Public Health
15 in a format prescribed by said commissioner, provided such water
16 company or said commissioner has filed a map showing the

17 boundaries of the watershed on the land records of the municipality in
18 which the application, petition, request or plan is made and with the
19 planning commission, zoning commission, planning and zoning
20 commission or zoning board of appeals of such municipality or the
21 aquifer protection area has been delineated in accordance with section
22 22a-354c of the 2008 supplement to the general statutes, as the case
23 may be. Such notice shall be made by certified mail, return receipt
24 requested, and shall be mailed not later than seven days after the date
25 of the application. Such water company and the Commissioner of
26 Public Health may, through a representative, appear and be heard at
27 any hearing on any such application, petition, request or plan.

28 [(c) Notwithstanding the provisions of subsection (b) of this section,
29 when an agent of the zoning commission, planning and zoning
30 commission or zoning board of appeals is authorized to approve an
31 application, petition, request or plan concerning any site that is within
32 the aquifer protection area delineated pursuant to section 22a-354c or
33 the watershed of a water company without the approval of the zoning
34 commission, planning and zoning commission or zoning board of
35 appeals, and such agent determines that the proposed activity will not
36 adversely affect the public water supply, the applicant or person
37 making the filing shall not be required to notify the water company or
38 the Commissioner of Public Health.]

39 Sec. 2. (NEW) (*Effective October 1, 2008*) (a) In order to effectuate the
40 preservation and protection of water supply watershed lands, as
41 provided for in section 22a-380 of the general statutes, the
42 Commissioner of Public Health shall revise the department's
43 procedures for the review of applications concerning the sale or
44 development of water company land located on public drinking water
45 supply watersheds, including applications submitted pursuant to
46 section 8-3i of the general statutes, as amended by this act. The revised
47 procedures shall minimally set forth that no application, petition,
48 request or plan filed with the zoning commission, planning and zoning
49 commission or zoning board of appeals of any municipality,

50 concerning any project on any site that is within the aquifer protection
51 area delineated pursuant to section 22a-354c of the 2008 supplement to
52 the general statutes or the watershed of a water company, shall be
53 approved by such municipal entity unless the commissioner, or the
54 commissioner's designee, provides a written certification of approval
55 of such application, petition, request or plan. The revised procedures
56 shall provide the commissioner with discretion to establish an
57 expedited review process for certain designated categories of
58 applications. Any written certification of approval issued by the
59 commissioner shall be accompanied by a statement from the
60 commissioner that the proposed sale or development is consistent with
61 generally accepted scientific principles for the protection of water
62 supply watershed lands.

63 (b) Not later than October 1, 2009, the Commissioner of Public
64 Health shall adopt regulations, in accordance with the provisions of
65 chapter 54 of the general statutes, to implement policies and
66 procedures necessary to carry out the purposes of this section. The
67 Commissioner of Public Health shall implement such policies and
68 procedures while in the process of adopting such policies and
69 procedures as regulations or amending existing regulations, provided
70 notice of intent to adopt or amend the regulations is published in the
71 Connecticut Law Journal within twenty days of implementation, and
72 such policies and procedures shall be valid until the time final
73 regulations are effective. The commissioner shall also amend any
74 regulations in existence on October 1, 2008, to conform to the
75 provisions of this section.

76 Sec. 3. Section 25-32f of the general statutes is repealed and the
77 following is substituted in lieu thereof (*Effective October 1, 2008*):

78 The Commissioner of Public Health or his designee [may] shall
79 submit written testimony to any municipal board or commission and
80 may appear by right as a party to any hearing before such municipal
81 board or commission concerning any proposed municipal plan of

82 conservation and development or zoning regulations or changes
83 thereto affecting a public water supply or a municipal approval,
84 permit or license for a building, use or structure affecting a public
85 water supply and said commissioner may appeal, or appear as a party
86 to any appeal of, a municipal decision concerning such matters
87 whether or not he has appeared as a party before the municipal board
88 or commission. If the decision of such board or commission is upheld
89 by a court of competent jurisdiction, the state shall reimburse the
90 municipality within three months for all costs incurred in defending
91 the appeal.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	8-3i
Sec. 2	<i>October 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	25-32f

Statement of Purpose:

To afford greater protections to water supply watershed lands by requiring the Commissioner of Public Health to approve all applications concerning the sale or development of water company land located on public drinking water supply watersheds, including applications submitted pursuant to section 8-3i of the general statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]